

SENATE MOTION

MADAM PRESIDENT:

I move that Senate Bill 64 be amended to read as follows:

- 1 Page 2, strike line 9.
- 2 Page 2, line 10, strike "(3) IC 4-23-7.2-17".
- 3 Page 2, line 10, delete "(Indiana State)".
- 4 Page 2, delete line 11.
- 5 Page 2, line 12, strike "(4)" and insert "**(2)**".
- 6 Page 2, line 13, strike "(5)" and insert "**(3)**".
- 7 Page 2, between lines 14 and 15, begin a new paragraph and insert:
- 8 "SECTION 4. IC 4-13-1-4 IS AMENDED TO READ AS
- 9 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 4. The department
- 10 shall, subject to this chapter, do the following:
- 11 (1) Execute and administer all appropriations as provided by law,
- 12 and execute and administer all provisions of law that impose
- 13 duties and functions upon the executive department of
- 14 government, including executive investigation of state agencies
- 15 supported by appropriations and the assembly of all required data
- 16 and information for the use of the executive department and the
- 17 legislative department.
- 18 (2) Supervise and regulate the making of contracts by state
- 19 agencies.
- 20 (3) Perform the property management functions required by
- 21 IC 4-20.5-6.
- 22 (4) Assign office space and storage space for state agencies in the
- 23 manner provided by IC 4-20.5-5.
- 24 (5) Maintain and operate the following for state agencies:
- 25 (A) Central duplicating.
- 26 (B) Printing.
- 27 (C) Machine tabulating.
- 28 (D) Mailing services.
- 29 (E) Centrally available supplemental personnel and other
- 30 essential supporting services.
- 31 (F) Information services.
- 32 (G) Telecommunication services.

The department may require state agencies to use these general services in the interests of economy and efficiency. The general services rotary fund, the telephone rotary fund, and the data processing rotary fund are established through which these services may be rendered to state agencies. The budget agency shall determine the amount for each rotary fund.

(6) Control and supervise the acquisition, operation, maintenance, and replacement of state owned vehicles by all state agencies. The department may establish and operate, in the interest of economy and efficiency, a motor vehicle pool, and may finance the pool by a rotary fund. The budget agency shall determine the amount to be deposited in the rotary fund.

(7) Promulgate and enforce rules relative to the travel of officers and employees of all state agencies when engaged in the performance of state business. These rules may allow reimbursement for travel expenses by any of the following methods:

(A) Per diem.

(B) For expenses necessarily and actually incurred.

(C) Any combination of the methods in clauses (A) and (B).

The rules must require the approval of the travel by the commissioner and the head of the officer's or employee's department prior to payment.

(8) Administer IC 4-13.6.

(9) Prescribe the amount and form of certified checks, deposits, or bonds to be submitted in connection with bids and contracts when not otherwise provided for by law.

(10) Rent out, with the approval of the governor, any state property, real or personal:

(A) not needed for public use; or

(B) for the purpose of providing services to the state or employees of the state;

the rental of which is not otherwise provided for or prohibited by law. Property may not be rented out under this subdivision for a term exceeding ten (10) years at a time. However, if property is rented out for a term of more than four (4) years, the commissioner must make a written determination stating the reasons that it is in the best interests of the state to rent property for the longer term. This subdivision does not include the power to grant or issue permits or leases to explore for or take coal, sand, gravel, stone, gas, oil, or other minerals or substances from or under the bed of any of the navigable waters of the state or other lands owned by the state.

(11) Have charge of all central storerooms, supply rooms, and warehouses established and operated by the state and serving more than one (1) agency.

(12) Enter into contracts and issue orders for printing as provided by IC 4-13-4.1.

(13) Sell or dispose of surplus property under IC 5-22-22, or if advantageous, to exchange or trade in the surplus property toward the purchase of other supplies, materials, or equipment, and to make proper adjustments in the accounts and inventory pertaining to the state agencies concerned.

(14) With respect to power, heating, and lighting plants owned, operated, or maintained by any state agency:

(A) inspect;

(B) regulate their operation; and

(C) recommend improvements to those plants to promote economical and efficient operation.

(15) Administer, determine salaries, and determine other personnel matters of the department of correction ombudsman bureau established by IC 4-13-1.2-3.

(16) Perform forms management functions under IC 4-13-18.

SECTION 5. IC 4-13-18 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]:

Chapter 18. Forms Management

Sec. 1. (a) This chapter applies to records:

(1) open to the public and carrying no classification or restriction;

(2) required to be kept confidential by federal law, rule, or regulation;

(3) declared confidential by the general assembly; or

(4) declared confidential by a rule adopted under specific authority for confidential records granted to an agency by the general assembly.

(b) The provisions of this chapter do not apply to state supported colleges and universities, but the department may offer its services to them.

(c) This chapter does not restrict the powers and duties of the state board of accounts as prescribed by IC 5-11.

Sec. 2. As used in this chapter, "agency" means any state office, department, division, board, bureau, commission, authority, or other separate unit of state government established by the constitution, law, or by executive or legislative order.

Sec. 3. As used in this chapter, "critical records" means records necessary to resume or continue governmental operations, the reestablishing of the legal and financial responsibilities of government in the state, or to protect and fulfill governmental obligations to the citizens of Indiana.

Sec. 4. As used in this chapter, "department" refers to the Indiana department of administration established by IC 4-13-1-2.

Sec. 5. As used in this chapter, "form" means every piece of paper, transparent plate, or film containing information printed, generated, or reproduced by whatever means, with blank spaces

1 left for the entry of additional information to be used in any
2 transaction involving the state.

3 Sec. 6. As used in this chapter, "forms management" means the
4 functions performed by the department to provide continuity of
5 forms design procedures from the form's origin up to its
6 completion as a record by determining:

7 (1) the form's:

8 (A) size, style, and size of type;

9 (B) format;

10 (C) type of construction;

11 (D) number of plies; and

12 (E) quality, weight, and type of paper and carbon; and

13 (2) the use of the form for data entry as well as the
14 distribution.

15 Sec. 7. As used in this chapter, "information coordinator"
16 means a person designated by an agency to serve as an information
17 liaison person between the agency and the department.

18 Sec. 8. As used in this chapter, "information management"
19 means the application of management techniques by the Indiana
20 state archives under IC 4-23-7.3-6 and the department under this
21 chapter to the purchase, creation, use, maintenance, retention,
22 preservation, and disposal of forms and records undertaken to
23 improve efficiency and reduce costs of record keeping, including
24 management of filing and microfilming equipment and supplies,
25 filing and information retrieval systems, files, correspondence,
26 reports and forms management, historical documentation,
27 micrographic retention programming, and critical records
28 protection.

29 Sec. 9. As used in this chapter, "nonrecord materials" means all
30 identical copies of forms, records, reference books, and exhibit
31 materials which are made, or acquired, and preserved solely for
32 reference use, exhibition purposes, or publication and that are not
33 included within the definition of record.

34 Sec. 10. As used in this chapter, "record" means all
35 documentation of the informational, communicative, or
36 decisionmaking processes of state government, its agencies, and its
37 subdivisions made or received by any agency of state government
38 or its employees in connection with the transaction of public
39 business or government functions, which documentation is created,
40 received, retained, maintained, or filed by that agency or its
41 successors as evidence of its activities or because of the
42 informational value of the data in the documentation, and that is
43 generated on:

44 (1) paper or paper substitutes;

45 (2) photographic or chemically based media;

46 (3) magnetic or machine readable media; or

47 (4) any other materials, regardless of form or characteristics.

1 **Sec. 11. As used in this chapter, "records center" means the**
2 **records center maintained by the Indiana state archives under**
3 **IC 4-23-7.3 primarily for the storage, processing, retrieving,**
4 **servicing, and security of government records that must be**
5 **retained for varying periods of time but should not be maintained**
6 **in an agency's office equipment or space.**

7 **Sec. 12. (a) The department shall do the following:**

8 **(1) Perform the forms management functions for state**
9 **government and approve the design, typography, format,**
10 **logo, data sequence, form analysis, form number, and agency**
11 **file specifications of each form.**

12 **(2) Establish a central state form numbering system and a**
13 **central cross index filing system of all state forms, and**
14 **standardize, consolidate, and eliminate, wherever possible,**
15 **forms used by state government.**

16 **(3) Approve, provide, and in the manner prescribed by**
17 **IC 5-22, purchase photo ready copy for all forms.**

18 **(4) Coordinate use of all micrographics equipment in state**
19 **government.**

20 **(5) Establish and operate a distribution center for the receipt,**
21 **storage, and distribution of all material printed for an agency.**

22 **(6) Have the authority to examine all forms and records**
23 **housed or possessed by state agencies to fulfill the provisions**
24 **of this chapter.**

25 **(7) Approve the content of forms that involve confidential**
26 **records.**

27 **(b) In performing the forms management functions, the**
28 **commission shall follow procedures and forms prescribed by the**
29 **federal government.**

30 **Sec. 13. Each agency shall do the following:**

31 **(1) Cooperate fully with the department in implementing the**
32 **provisions of this chapter.**

33 **(2) Establish and maintain an active and continuing program**
34 **for the economical and efficient management of information**
35 **and assist the department in the conduct of information**
36 **management surveys.**

37 **(3) Implement information management procedures and rules**
38 **issued by the department.**

39 **(4) Designate an agency information coordinator, who shall**
40 **assist the department in the content requirements of the form**
41 **design process.**

42 **Sec. 14. The department shall design, redesign, number,**
43 **standardize, consolidate, or eliminate when obsolete, all forms used**
44 **by state government, apply the definition of record to any**
45 **governmental materials so questioned, and determine the nature of**
46 **nonrecord materials housed or maintained by an agency. In**
47 **performing these functions, the department shall consult with each**

1 affected agency and shall consider each agency's statutory
 2 responsibilities, its relationships with federal or other governmental
 3 agencies, and the requirements of state law.

4 Sec. 15. (a) This section does not apply to a printed document
 5 that was printed and in stock before July 1, 1995.

6 (b) As used in this section, "multiracial" means having a
 7 biological parent who is of a different race from the other biological
 8 parent.

9 (c) All forms, questionnaires, and other printed or electronic
 10 documents:

11 (1) that are used by a public agency (as defined in IC 5-14-3-2)
 12 to request information on the racial or ethnic identification of
 13 a respondent; and

14 (2) that contain an enumeration of racial and ethnic
 15 classifications from which the respondent must select a
 16 classification;

17 must include among the choices the classification multiracial.

18 Sec. 16. The department shall operate a central micrographics
 19 laboratory. The department, in coordination with the supreme
 20 court, shall adopt rules concerning quality standards for
 21 microfilming documents that shall allow documents meeting those
 22 standards to be admissible in court. The microfilming standards
 23 shall be followed by all agencies of the administrative and executive
 24 branches of state government."

25 Page 3, line 4, after "development," strike "Indiana".

26 Page 3, line 4, after "bureau," insert "**division of Indiana history,**
 27 **Indiana**".

28 Page 3, line 4, after "archives" delete "," and insert "**and records**
 29 **management**".

30 Page 3, line 9, strike "commission on public records,".

31 Page 3, between lines 10 and 11, begin a new paragraph and insert:

32 "SECTION 7. IC 4-23-7-2 IS AMENDED TO READ AS
 33 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. (a) The management
 34 and control of the Indiana library and historical department is ~~hereby~~
 35 vested in a board which shall be known as the Indiana library and
 36 historical board. ~~and which~~ **The board** shall consist of ~~five (5)~~ **six (6)**
 37 **voting** members ~~who shall be~~ **and one (1) nonvoting member**
 38 appointed by the governor. ~~as hereinafter provided. In the first instance,~~
 39 ~~one (1) of such members shall be appointed for a term of one (1) year;~~
 40 ~~one (1) member for a term of two (2) years; one (1) member for a term~~
 41 ~~of three (3) years; and two (2) members for a term of four (4) years.~~
 42 ~~Thereafter~~ All members shall be appointed for terms of four (4) years.

43 (b) No person shall be appointed as a member of the Indiana library
 44 and historical board unless ~~he is the member~~ **is** a citizen of high
 45 standing and probity and has a known and active interest in library or
 46 historical work. **The voting members shall be appointed as follows:**

47 (1) One (1) member ~~of the library and historical board~~ shall be

appointed on recommendation of the state board of education.

(2) One (1) member shall be appointed on recommendation of the Indiana library, trustee association.

(3) One (1) member shall be appointed on recommendation of the Indiana library association.

(4) One (1) member shall be appointed on recommendation of the Indiana historical society. ~~and~~

(5) One (1) member shall be appointed by the governor and shall have experience in archiving.

(6) One (1) member shall be selected and appointed by the governor.

(c) One (1) nonvoting member who is a professional journalist or is a member of an association related to journalism shall be appointed by the governor for a term of four (4) years.

(d) The members of the board shall serve without compensation, but shall be entitled to receive their actual expenses necessarily incurred in attending the meetings and transacting the business of the board, and in participating in ~~such~~ other activities as may be in the interest of the department.

(e) Any vacancy which may occur in the membership of the board for any cause shall be filled by appointment by the governor for the unexpired term, either on recommendation of the board, association or society ~~hereinbefore~~ authorized **under this section** to make recommendations, or by selection by the governor, as ~~hereinbefore~~ provided **under this section**.

(f) The board may prepare plans subject to the approval of the governor and advise with the proper officials in the construction of alterations and additions to the building and provide necessary equipment and furnishings within the appropriations of funds for these purposes. The board may receive and administer any state or federal aid which may become available for the improvement and development of library and historical services in Indiana."

Page 3, line 17, after "archives" insert "**and records management**".

Page 3, line 23, strike "Indiana".

Page 3, line 23, delete "state archives." and insert "**division of Indiana history**".

Page 3, between lines 23 and 24, begin a new line block indented and insert:

"(3) The Indiana state archives and records management.

SECTION 10. IC 4-23-7-5.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 5.5. The library and historical board has the following duties:**

(1) Function as the policy making body for the Indiana state archives and records management.

(2) Determine what records should be preserved.

(3) Maintain a master list of all record series that are classified

as confidential by statute or rule.

(4) Approve all record retention schedules.

(5) Establish fee schedules under IC 4-23-7.3-18.

(6) Establish standards for safeguarding state agency personal information systems.

(7) Require use of archival quality paper for records that the board determines should be preserved indefinitely.

(8) Adopt rules to implement these duties."

Page 3, line 38, delete ""Oversight committee"" and insert ""Division of Indiana history"".

Page 3, line 39, strike "Indiana".

Page 3, line 39, delete "oversight committee on public records" and insert "division of Indiana history".

Page 3, line 40, reset in roman "IC 4-23-7-3.".

Page 3, line 40, delete "IC 5-15-5.1-18.".

Page 3, line 42, after "Indiana state archives" insert "and records management".

Page 4, between lines 5 and 6, begin a new paragraph and insert:

"SECTION 13. IC 4-23-7.1-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 16. The state library shall retain copies of all reports, documents, bulletins, or other publications as may be necessary for its use or the use of the ~~historical bureau~~, **division of Indiana history**, and the copies remaining shall be distributed and exchanged in such manner as may be prescribed by the board.

SECTION 14. IC 4-23-7.1-26 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 26. (a) Subject to subsections (b) and (c), every state agency that issues public documents shall furnish the state library fifty (50) copies of all publications issued by them whether printed, mimeographed, or duplicated in any way, which are not issued solely for use within the issuing office. However, if the library requests, as many as twenty-five (25) additional copies of each public document shall be supplied.

(b) If other provision is made by law for the distribution of the session laws of the general assembly, the journals of the house and senate of the general assembly, the supreme court and court of appeals reports, or the publications of the ~~Indiana historical bureau~~, **division of Indiana history**, any of the public documents for which distribution is provided are exempted from the depository requirements under subsection (a). However, two (2) copies of each document exempted under this subsection from the general depository requirements shall be deposited with the state library.

(c) If a public document issued by an agency is published in the Indiana Register in full or in summary form, the agency is exempt from providing copies of the published public document to the state library under subsection (a).

(d) Publications of the various schools, colleges, divisions, and departments of the state universities and their regional campuses are

exempt from the depository requirements under subsection (a). However, two (2) copies of each publication of these divisions shall be deposited in the state library.

(e) Publications of state university presses, directives for internal administration, intraoffice and interoffice publications, and forms are completely exempt from all depository requirements."

Page 4, line 8, delete "The".

Page 4, delete line 9.

Page 4, between lines 21 and 22, begin a new paragraph and insert:

"SECTION 13. IC 4-23-7.2-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. (a) It is the duty of the ~~historical bureau~~ **division of Indiana history** to edit and publish documentary and other material relating to the history of the state of Indiana and to promote the study of Indiana history.

(b) As appropriate, the historical bureau shall work with the Indiana historical society, the county historical societies, and any other person, agency, or organization concerned with Indiana history.

(c) The division:

(1) may; or

(2) at the direction of the governor, shall;

initiate, plan, organize, and develop appropriate activities to commemorate events important in Indiana history. The division may cooperate with other agencies and organizations to implement this subsection."

Page 4, line 24, delete "department" and insert "**division of Indiana history**".

Page 4, line 32, delete "department" and insert "**division of Indiana history**".

Page 4, between lines 35 and 36, begin a new paragraph and insert:

"SECTION 16. IC 4-23-7.2-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 5. All expenses incurred in the preparation, compilation, printing, binding, and publication of the volumes of source and other historical material issued by the ~~historical bureau~~ **division of Indiana history** shall be defrayed out of funds at the disposal of the ~~bureau which~~ **division that** may be appropriated by law for that purpose, and shall be printed by the ~~commission on public records, state archives~~ and under the terms of any contract which the state may have executed and entered into for public printing, and under the direction and supervision of the ~~historical bureau~~ **division of Indiana history**."

Page 4, line 38, delete "department" and insert "**division of Indiana history**".

Page 4, line 42, delete "department" and insert "**division of Indiana history**".

Page 5, delete lines 2 through 42.

Page 6, delete lines 1 through 19, begin a new paragraph and insert:

"SECTION 18. IC 4-23-7.2-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 7. (a) The ~~historical~~

~~bureau~~ **division of Indiana history** publications and educational fund is established as a dedicated fund to be administered by the ~~historical bureau~~ **division of Indiana history**. The monies in the fund may be expended by the director of the ~~historical bureau~~ **division of Indiana history** exclusively for the publication of historical documents and other material to promote the study of Indiana history, and to inform the people of Indiana concerning the history of their state.

(b) The proceeds from the sale of items as directed by law or by the director of the ~~historical bureau~~ **division of Indiana history**, from gifts of money or the proceeds from the sale of gifts donated to the fund, and from investment earnings from any portion of the fund, shall be deposited in the ~~historical bureau~~ **division of Indiana history** publications fund.

(c) All monies accruing to the ~~historical bureau~~ **division of Indiana history** publications fund are ~~hereby~~ appropriated continuously for the purposes specified in this section.

(d) No portion of the fund shall revert to the general fund of the state at the end of a fiscal year. However, if the fund is abolished, its contents shall revert to the general fund of the state."

Page 6, line 22, delete "department" and insert "**division of Indiana history**".

Page 6, line 24, delete "department" and insert "**division of Indiana history**".

Page 6, line 26, delete "department." and insert "**division of Indiana history**".

Page 6, line 28, delete "department" and insert "**division of Indiana history**".

Page 6, line 40, delete "department" and insert "**division of Indiana history**".

Page 7, line 5, delete "department" and insert "**division of Indiana history**".

Page 7, between lines 6 and 7, begin a new paragraph and insert:
"SECTION 20. IC 4-23-7.2-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 12. The ~~historical bureau~~ **division of Indiana history** shall celebrate the memory of George Rogers Clark in a manner fitting each occasion of George Rogers Clark Day, every twenty-fifth day of February, established by IC 1-1-13-1."

Page 7, line 12, delete "department" and insert "**division of Indiana history**".

Page 7, line 13, delete "department," and insert "**division of Indiana history**".

Page 7, line 15, delete "department." and insert "**division of Indiana history**".

Page 7, line 18, delete "state archives" and insert "**division of Indiana history**".

Page 7, line 20, delete "state archives" and insert "**division of**

- 1 **Indiana history".**
- 2 Page 7, line 25, delete "state archives." and insert "**division of**
- 3 **Indiana history."**
- 4 Page 7, line 29, reset in roman "have had special training in the
- 5 nature, relative value and use".
- 6 Page 7, line 30, reset in roman "of historical source material;".
- 7 Page 7, line 30, delete "be versed in the principles of".
- 8 Page 7, delete lines 31 through 32.
- 9 Page 7, reset in roman lines 33 through 34.
- 10 Page 7, line 35, reset in roman "(4)".
- 11 Page 7, line 35, delete "(3)".
- 12 Page 7, line 40, delete "state archives" and insert "**division of**
- 13 **Indiana history".**
- 14 Page 8, line 1, delete "state archives" and insert "**division of**
- 15 **Indiana history".**
- 16 Page 8, line 12, delete "state archives" and insert "**division of**
- 17 **Indiana history".**
- 18 Page 8, line 16, delete "state archives" and insert "**division of**
- 19 **Indiana history".**
- 20 Page 8, delete lines 18 through 42.
- 21 Delete pages 9 through 15.
- 22 Page 16, delete lines 1 through 31, begin a new paragraph and insert:
- 23 "SECTION 25. IC 4-23-7.2-18 IS AMENDED TO READ AS
- 24 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 18. The board may
- 25 appoint an advisory committee of not to exceed nine (9) members, who
- 26 shall consult and advise with the director of the ~~historical bureau~~
- 27 **division of Indiana history** concerning the publication of historical
- 28 material, the promotion of the interest of the historical societies of
- 29 Indiana, and in the conduct of the historical work of the state generally.
- 30 The committee so appointed shall serve without compensation.
- 31 SECTION 26. IC 4-23-7.2-19 IS AMENDED TO READ AS
- 32 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 19. The proceeds from
- 33 the sale of all publications of the select committee on the centennial
- 34 history of the Indiana general assembly, alone or in cooperation with
- 35 the ~~Indiana historical bureau~~, **division of Indiana history** shall be
- 36 deposited in the ~~historical bureau~~ **division of Indiana history**
- 37 publications and educational fund.
- 38 SECTION 27. IC 4-23-7.3 IS ADDED TO THE INDIANA CODE
- 39 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE
- 40 JULY 1, 2005]:
- 41 **Chapter 7.3. Indiana State Archives and Records Management**
- 42 **Sec. 1. (a) This chapter applies to records:**
- 43 **(1) open to the public and carrying no classification or**
- 44 **restriction;**
- 45 **(2) required to be kept confidential by federal law, rule, or**
- 46 **regulation;**
- 47 **(3) declared confidential by the general assembly; or**
- 48 **(4) declared confidential by a rule adopted under specific**

1 authority for confidential records granted to an agency by the
2 general assembly.

3 (b) This chapter does not apply to state supported colleges and
4 universities, but the Indiana state archives may offer its services to
5 them.

6 (c) This chapter does not restrict the powers and duties of the
7 state board of accounts as prescribed by IC 5-11.

8 Sec. 2. (a) Except as provided in subsection (b), the definitions
9 in this chapter and IC 4-23-7.1-1 apply throughout this chapter.

10 (b) If IC 4-23-7.1-1 defines a term that is defined in this chapter,
11 only the definition in this chapter applies throughout this chapter.

12 Sec. 3. As used in this chapter, "agency" means any state office,
13 department, division, board, bureau, commission, authority, or
14 other separate unit of state government established by the
15 constitution, law, or by executive or legislative order.

16 Sec. 4. As used in this chapter, "critical records" means records
17 necessary to resume or continue governmental operations, the
18 reestablishing of the legal and financial responsibilities of
19 government in the state, or to protect and fulfill governmental
20 obligations to the citizens of Indiana.

21 Sec. 5. As used in this chapter, "information management"
22 means the application of management techniques by the Indiana
23 state archives under this chapter and the department of
24 administration under IC 4-13-18 to the purchase, creation, use,
25 maintenance, retention, preservation, and disposal of forms and
26 records undertaken to improve efficiency and reduce costs of
27 recordkeeping including management of filing and microfilming
28 equipment and supplies, filing and information retrieval systems,
29 files, correspondence, reports and forms management, historical
30 documentation, micrographic retention programming, and critical
31 records protection.

32 Sec. 6. As used in this chapter, "personal records" means:

33 (1) all documentary materials of a private or nonpublic
34 character that do not relate to or have an effect upon the
35 carrying out of the constitutional, statutory, or other official
36 or ceremonial duties of a public official, including diaries,
37 journals, or other personal notes serving as the functional
38 equivalent of a diary or journal that are not prepared or
39 utilized for, or circulated or communicated in the course of,
40 transacting government business; or

41 (2) materials relating to private political associations, and
42 having no relation to or effect upon the carrying out of
43 constitutional, statutory, or other official or ceremonial duties
44 of a public official and are not considered public records.

45 Sec. 7. As used in this chapter, "public official" means:

46 (1) an individual holding a state office created by the
47 Constitution of the State of Indiana, by act or resolution of the

1 general assembly, or by the governor;

2 (2) all officers of the executive and administrative branch of
3 state government; and

4 (3) all other officers, heads, presidents, or chairpersons of
5 agencies of state government.

6 Sec. 8. As used in this chapter, "record" means all
7 documentation of the informational, communicative, or
8 decisionmaking processes of state government, its agencies, and its
9 subdivisions made or received by any agency of state government
10 or its employees in connection with the transaction of public
11 business or government functions, which documentation is created,
12 received, retained, maintained, or filed by that agency or its
13 successors as evidence of its activities or because of the
14 informational value of the data in the documentation, and that is
15 generated on:

16 (1) paper or paper substitutes;

17 (2) photographic or chemically based media;

18 (3) magnetic or machine readable media; or

19 (4) any other materials, regardless of form or characteristics.

20 Sec. 9. As used in this chapter, "record series" means documents
21 or records that are filed in a unified arrangement, and having
22 similar physical characteristics or relating to a similar function or
23 activity.

24 Sec. 10. As used in this chapter, "records center" means
25 primarily the storage, processing, retrieving, servicing, and security
26 of government records that must be retained for varying periods of
27 time but should not be maintained in an agency's office equipment
28 or space.

29 Sec. 11. As used in this chapter, "records coordinator" means
30 a person designated by an agency to serve as an information liaison
31 person between the agency and the board.

32 Sec. 12. As used in this chapter, "retention schedule" means a
33 set of instructions prescribing how long, where, and in what form
34 a record series shall be kept.

35 Sec. 13. The Indiana state archives shall do the following:

36 (1) Establish and operate a statewide archival program for the
37 preservation of those records and other government papers
38 that have been determined by the board to have sufficient
39 permanent value to warrant their continued preservation by
40 the state.

41 (2) Provide consultant services for archival programs, conduct
42 surveys, and provide training for records coordinators.

43 (3) Establish and operate a statewide record preservation
44 laboratory.

45 (4) Establish a statewide records management program,
46 prescribing the standards and procedures for record making
47 and record keeping; however, the investigative and criminal

history records of the state police department are exempt from this requirement.

(5) Advise the Indiana department of administration with respect to the purchase of all records storage equipment.

(6) Prepare, develop, and implement record retention schedules.

(7) Establish and operate a central records center to be called the Indiana state records center, which shall accept all records transferred to it, provide secure storage and reference service for the same, and submit written notice to the applicable agency of intended destruction of records in accordance with approved retention schedules.

(8) Demand, from any person or organization or body who has illegal possession of original state or local government records, those records, which shall be delivered to the Indiana state archives.

(9) Have the authority to examine all forms and records housed or possessed by state agencies to fulfill the provisions of this chapter.

(10) In coordination with the data processing oversight commission created under IC 4-23-16, establish standards to ensure the preservation of adequate and permanent computerized and auxiliary automated information records of the agencies of state government.

Sec. 14. (a) The board shall appoint a director to be the chief administrative officer of the Indiana state archives.

(b) To qualify for the position of director, a person must:

(1) be a graduate of a college or university of recognized standing;

(2) be versed in the principles of archival management and the affairs and organization of state government; and

(3) possess other qualifications as the board, in its discretion, may consider necessary.

(c) The director may be removed by the board at any time for cause.

Sec. 15. (a) All Indiana state archives employees, except the director of the state archives, shall be selected by the director of the state archives with the approval of the board and may be removed by the director of the state archives for cause at any time with the approval of the board.

(b) Indiana state archives employees must have academic preparation and special training for the work they are required to perform as may be prescribed in rules adopted by the board.

(c) The board may provide that appointments may be made only after the applicant has successfully passed an examination given by the board or some person designated by the board.

(d) The budget agency shall fix the compensation of the director

1 of the Indiana state archives. The director of the state archives
2 shall fix the compensation of the employees of the state archives,
3 with the approval of the board and the state budget agency.

4 (e) No employee of the Indiana state archives may directly or
5 indirectly solicit subscription or contribution for any political party
6 or political purpose, or be forced in any way to make a
7 contribution, or be required to participate in any form of political
8 activity.

9 (f) All Indiana state archives employees are under IC 4-15-2.

10 Sec. 16. (a) The board shall:

11 (1) function as the policy making body for the Indiana state
12 archives; and

13 (2) determine what records have no apparent official value
14 but should be preserved for research or other purposes.

15 (b) The board shall maintain a master list of all record series
16 that are classified as confidential by statute or rule.

17 (c) The board has final approval of all record retention
18 schedules.

19 Sec. 17. (a) The board shall:

20 (1) establish standards for safeguarding personal information
21 systems that shall be followed by agencies maintaining the
22 systems; and

23 (2) require use of archival quality paper for records that the
24 board determines should be preserved indefinitely.

25 (b) The board may adopt rules under IC 4-22-2 necessary for
26 the performance of the board's duties, consistent with this chapter
27 and other applicable Indiana laws.

28 Sec. 18. (a) As used in this section, "account" refers to the
29 Indiana state archives preservation and reproduction account
30 established by this section.

31 (b) Notwithstanding IC 5-14-3-8, the board shall establish a
32 schedule of fees for services provided to patrons of the Indiana
33 state archives. A copying fee established under this subdivision may
34 exceed the copying fee set forth in IC 5-14-3-8(c). A fee collected
35 under this section shall be deposited in the account.

36 (c) The Indiana state archives preservation and reproduction
37 account is established as an account within the state general fund.
38 The account shall be administered by the department. The money
39 in the account does not revert to any other account within the state
40 general fund at the end of the state fiscal year.

41 (d) The account consists of fees collected under this section.

42 (e) Money in the account is annually appropriated to the
43 department for use in the preservation and reproduction of public
44 records in the Indiana state archives.

45 Sec. 19. The board shall make the archives of the state available
46 for public use under the supervised control at reasonable hours.
47 However, the board shall consider the need for preservation from

deterioration or mutilation of original records in establishing access use to items. The Indiana state archives shall furnish copies of archival materials upon request, unless confidential by law or restricted by rule and payment of any required fees.

Sec. 20. Copies of records transferred from the office of their origin to the custody of the Indiana state archives, when certified by the director or his designee, under seal of the state archives, have the same force and effect as if certified by the original custodian.

Sec. 21. Each agency shall do the following:

(1) Make and preserve records containing adequate and proper documentation of the organization, functions, policies, decisions, procedures, and essential transactions of the agency to protect the legal and financial rights of the government and of persons directly affected by the agency's activities.

(2) Cooperate fully with the board in implementing the provisions of this chapter.

(3) Establish and maintain an active and continuing program for the economical and efficient management of information and assist the board and the department of administration in the conduct of information management surveys.

(4) Implement information management procedures and rules issued by the board and the department of administration.

(5) Submit to the board a recommended retention schedule for each form and record series in its custody. However, retention schedules for forms and record series common to more than one (1) agency may be established by the board. Records may not be scheduled for retention any longer than is necessary to perform required functions. Records requiring retention for several years must be transferred to the records center.

(6) Establish necessary safeguards against the removal, alteration, or loss of records; safeguards shall include notification to all officials and employees of the agency that records in the custody of the agency may not be alienated or destroyed except in accordance with the provisions of this chapter.

(7) Designate an agency information coordinator, who shall assist the board in the development of the agency's records retention schedules.

(8) Report to the board before December 31 of each year those records which have been created or discontinued in the past year.

Sec. 22. The board shall establish and maintain a critical records program for the state. The board shall determine what records are essential to the continuity of state government operations and shall survey agency records to identify those records. The board shall plan and implement a program for protection of critical records

1 through dispersal, duplication, or secure vault storage of those
2 records.

3 Sec. 23. Records designated as confidential by law shall be so
4 treated by the board in the maintenance, storage, transfer, or other
5 disposition of those records. Confidential records scheduled for
6 destruction shall be destroyed in such a manner that they cannot
7 be read, interpreted, or reconstructed.

8 Sec. 24. A public official or agency may not mutilate, destroy,
9 sell, loan, or otherwise dispose of any government record, except
10 under a record retention schedule or with the written consent of
11 the board.

12 Sec. 25. (a) A public official who has the custody of any records,
13 excluding personal records, shall at the expiration of the official's
14 term of office or appointment, deliver to the official's successor, or
15 to the board if there is no successor, all materials defined as records
16 under this chapter.

17 (b) Upon the termination of a state agency whose functions have
18 not been transferred to another agency, the records of the state
19 agency shall be deposited with the Indiana state archives. The
20 board shall determine which records are of sufficient legal,
21 historical, administrative, research, or fiscal value to warrant their
22 continued preservation.

23 (c) Records that are determined to be of insufficient value to
24 warrant continued preservation shall be disposed of or destroyed.

25 (d) Title to any record transferred to the Indiana state archives
26 is vested in the state archives.

27 Sec. 26. (a) The board may enter into agreements with the
28 legislative branch of government for transfer of the permanent
29 records of that branch not having current administrative value to
30 the Indiana state archives.

31 (b) The board may enter into agreements with the judicial
32 branch for transfer of the permanent records of that branch not
33 having current administrative value to the Indiana state archives.

34 (c) The board may enter into agreements with the state
35 supported colleges and universities and their respective boards for
36 transfer of the permanent records of those bodies not having
37 current administrative value to the Indiana state archives.

38 (d) A state, a county, or another official may turn over to the
39 Indiana state archives, in accordance with the rules of the board
40 for permanent preservation, any books, records, documents,
41 original papers, newspaper files, or printed books or materials not
42 in current use in the official's office.

43 (e) Subject to subsection (f), the Indiana state archives may
44 make a copy, by photography or in any other way, of any official
45 book, record, document, original paper, newspaper, or printed
46 book or material in any county, city, or other public office for
47 preservation in the state archives. County, city, and other officials

1 shall permit such copies to be made of the books, records,
2 documents, and papers in the officials' respective offices.

3 (f) The Indiana state archives shall copy the official copy of the
4 rules (including incorporated matters filed under IC 4-22-2-21)
5 retained by the secretary of state under IC 4-5-1-2. Any duplicate
6 original copy possessed by another agency is not a critical record
7 and may not be copied. If the secretary of state prepares
8 micrographic copies of these documents under IC 4-5-1-2 and the
9 copies are in the form that meets the specifications of the
10 department of administration, the state archives shall arrange with
11 the secretary of state to obtain the number of copies needed by the
12 state archives, rather than copying the documents as part of a
13 separate program.

14 Sec. 27. (a) The Indiana state archives may compile and publish
15 digests, reports, and bulletins of purely informational or statistical
16 character on any question which the board may consider to be of
17 interest or value to the people of Indiana.

18 (b) Any expenses that may be incurred in the publication of any
19 digest, report or bulletin shall be defrayed out of the funds that
20 may be appropriated for the use of the department or the Indiana
21 state archives.

22 Sec. 28. The Indiana state archives may cooperate with any of
23 the educational institutions of the state or other institutions,
24 organizations, or individuals for the purpose of meeting its
25 responsibilities in any manner and to any extent that may be
26 approved by the board.

27 Sec. 29. One (1) copy of each publication issued by the Indiana
28 state archives shall be furnished to each public library in the state.
29 The board may furnish copies free of charge to other persons,
30 institutions or departments as in the board's judgment may be
31 entitled the copies. Any remaining copies shall be sold by the state
32 archives at a price fixed by the board.

33 Sec. 30. Each state, county, township, city, town, judicial, or
34 other public officer who has in the officer's charge or custody of
35 public records or who is capable of supplying, or required to collect
36 and compile, the information that may be required by the Indiana
37 state archives shall supply the information promptly at the request
38 of the state archives, whether the request is oral or by letter or
39 circular or by the filling out of blank forms provided for that
40 purpose by the state archives.

41 Sec. 31. The Indiana state archives shall be organized in the
42 manner as determined by the director of the state archives with the
43 approval of the board. The duties of the state archives established
44 by law may be supplemented by the board according to the board's
45 discretion."

46 Page 17, delete lines 11 through 12, begin a new paragraph and
47 insert:

1 "SECTION 29. IC 14-20-1-26 IS ADDED TO THE INDIANA
2 CODE AS A NEW SECTION TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2005]: Sec. 26. (a) The governors' portraits
4 collection shall be a part of the collections of the division.

5 (b) The division shall inspect each painting in the collection
6 annually in the company of one (1) or more experts in the field of
7 art conservation selected by the director.

8 (c) After the inauguration of each governor, the director of the
9 division, with the concurrence of the governor, shall select and
10 commission an artist to paint the governor's portrait. The portrait
11 must be hung in the permanent collection immediately following
12 the completion and acceptance of the portrait by the director and
13 the governor.

14 (d) The division shall include in its budget requests the amount
15 it deems necessary to provide for the proper care, maintenance,
16 and display of the governors' portraits collection, and the amount
17 necessary to commission the painting of an oil portrait of each
18 governor for the collection. The division may use appropriated
19 funds or any other funds provided for these purposes.

20 (e) The director of the division, in discharging the duties under
21 this section, shall use the appropriate cultural and technical
22 resources of the state, including the Indiana department of
23 administration.

24 SECTION 30. IC 14-20-1-27 IS ADDED TO THE INDIANA
25 CODE AS A NEW SECTION TO READ AS FOLLOWS
26 [EFFECTIVE JULY 1, 2005]: Sec. 27. (a) The governors' portraits
27 fund is established as a dedicated fund to be administered by the
28 division. Money in the fund may be expended by the director of the
29 division exclusively for the preservation and exhibition of the state
30 owned portraits of former governors of Indiana.

31 (b) The proceeds from the sale of items as directed by law or by
32 the director of the division, from gifts of money or the proceeds
33 from the sale of gifts donated to the fund, and from investment
34 earnings from any part of the fund, shall be deposited in the
35 governors' portraits fund.

36 (c) Money accruing to the governors' portraits fund is
37 appropriated continuously for the purposes specified in this section.

38 (d) Money in the fund does not revert to the state general fund
39 at the end of a fiscal year; however, if the fund is abolished, the
40 fund's contents revert to the state general fund."

41 Page 18, line 15, delete ", with the".

42 Page 18, line 16, delete "concurrence of the director,".

43 Page 18, delete lines 29 through 37, begin a new paragraph and
44 insert:

45 "SECTION 33. IC 14-21-1-19 IS AMENDED TO READ AS
46 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 19. (a) The director is
47 designated as the state historic preservation officer.

(b) The division director is designated as the deputy state historic preservation officer. The division director must have:

(1) a graduate degree in historic preservation, archeology, or a closely related field; and

(2) at least three (3) years of professional experience in either historic preservation or archeology."

Page 19, line 14, after "director" insert "state".

Page 19, line 15, delete "and the director,".

Page 19, line 23, after "director" insert "state".

Page 19, line 28, after "officer" insert "or in the state preservation officer's absence, the deputy state preservation officer,".

Page 19, line 30, after "officer" insert "or the deputy officer".

Page 20, line 27, delete "IC 4-23-7.2-2; IC 4-23-7.2-5; IC 4-23-7.2-7;" and insert "IC 4-23-7.2-8; IC 4-23-7.2-9; IC 4-23-7.2-10; IC 5-15-5.1.".

Page 20, delete lines 28 through 30.

Page 20, line 31, delete ":" and insert ",".

Page 20, line 32, delete "(1)".

Page 20, run in lines 31 through 32.

Page 20, line 34, after "IC 4-23-7.2-8" delete "," and insert "and".

Page 20, line 34, delete "and IC 4-23-7.2-10 all," and insert "both".

Page 20, line 37, delete ";" and insert ".".

Page 20, delete lines 38 through 42.

Page 21, delete lines 1 through 3.

Page 21, line 10, after "rules" insert ", policies, or records retention schedules".

Page 21, line 13, delete "archives," and insert "archives and records management,".

Page 21, line 13, after "rules" insert ", policies, or records retention schedules".

Page 21, line 14, after "rules" insert ", policies, records retention schedules,".

Page 21, line 17, after "balances," insert "positions,".

Page 21, line 18, after "program" insert ", state and local government records management programs, state records center program, and conservation program".

Page 21, line 20, after "archives" insert "and records management".

Page 21, line 24, after "archives" insert "and records management".

Page 21, line 27, after "program" insert ", state and local records management programs, state records center program, and conservation program".

Page 21, line 29, after "archives" insert "and records management".

Page 21, delete lines 32 through 36, begin a new paragraph and insert:

1 SECTION 41. [EFFECTIVE JULY 1, 2005] (a) On July 1, 2005,
 2 all powers, duties, assets, appropriations, fund balances, positions,
 3 and liabilities of the commission on public records with regard to
 4 the forms management program under IC 5-15-5.1, before its
 5 repeal by this act, are transferred to the Indiana department of
 6 administration.

7 (b) This SECTION expires July 1, 2006.

8 SECTION 42. [EFFECTIVE JULY 1, 2005] (a) The performance
 9 by the Indiana department of administration of forms management
 10 functions is a continuation of the forms management program of
 11 the commission on public records (IC 5-15-5.1-1, before its repeal
 12 by this act).

13 (b) If any rules or policies are adopted by the oversight
 14 committee on public records under IC 5-15-5.1, before those
 15 statutes are repealed by this act, that related to the forms
 16 management program and microfilming standards for source
 17 documents, those rules shall be treated, after June 30, 2005, as
 18 rules of the Indiana department of administration.

19 (c) On July 1, 2005, all powers, duties, assets, appropriations,
 20 account balances, positions, and liabilities of the forms
 21 management program of the commission on public records under
 22 IC 5-15-5.1, before its repeal by this act, are transferred to the
 23 Indiana department of administration.

24 (d) After June 30, 2005, a reference to the forms management
 25 program in a statute or rule shall be treated as a reference to the
 26 performance of forms management functions by the Indiana
 27 department of administration.

28 (e) On July 1, 2005, individuals who were employees of the
 29 forms management program of the commission on public records
 30 on June 30, 2005, become employees of the Indiana department of
 31 administration.

32 (f) This SECTION expires July 1, 2006."

33 Renumber all SECTIONS consecutively.

(Reference is to SB 64 as printed February 25, 2005.)

Senator MERRITT